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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/612,851 | 07/03/2003 | James M. Alkove | MS1-1537US | 6872 |
| 22801 | 7590 | 09/14/2007 | | |
| LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201 | | | EXAMINER POWERS, WILLIAM S | |
| | | | ART UNIT 2134 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,851

Applicant(s)

ALKOVE ET AL.

Examiner

William S. Powers

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 6-17 and 24-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 6-17 and 24-59 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant's election of Group I, Species A claims 1-5 and 18-23 in the reply filed on 5/3/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Information Disclosure Statement

2. The Information Disclosure Statements submitted with the instant application have been considered. It is respectfully requested that the Application correct the following minor informalities in the Information Disclosure Statements:

- a. In the July 3, 2003 IDS, the RFC 1889 and 1890 references have the print date, but the publication date of the documents is required.
- b. In the July 3, 2003 IDS, US Patent Application No. 11/275,426 is listed in the NPL section of the NPL. It should be moved to the US Patent Application Publications section using the US Patent Application Publication Number.

Claim Objections

3. Claims 1, 4 and 22 objected to because of the following informalities:
- a. As to claim 1, it appears the conjunction "and" in line 10 is misplaced and should occur at the end of line 9. For purposes of examination, the Examiner assumes that the common data stream is chosen from the group consisting of one or more encryption units and a fragment of one said encryption unit.
 - b. As to claim 4, the limitation "the attributes" in line 1 of the claim lacks antecedent basis.
 - c. As to claim 22, for purposes of examination, the Examiner assumes that the term "transmitting" was the intended verb to be inserted before "the plurality [of] RTP packets" in line 2 of the claim.
- Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
7. Claims 1-5 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,983,049 to Wee et al. (hereinafter Wee) in view of US Patent No. 6,918,034 to Sengodan et al. (hereinafter Sengodan).

As to claims 1 and 18, Wee teaches:

- a. Means for encrypting a data stream with an arbitrary block size to form a plurality of encryption units (received video data is segmented and encrypted) (Wee, col. 8, lines 58-60 and col. 9, lines 63-65).
- b. Means for packetizing the plurality of encryption units (packetizing the encrypted video data into packets) (Wee, col. 11, lines 1-5).

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Wee describes the process of encrypting and packetizing in real time (Wee, col. 18, lines 61-67), but does not expressly mention the use of RTP packets. However, in an analogous art, Sengodan teaches using RTP packets in communications transmissions (Sengodan, col. 5, lines 45-49).

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to implement the data streaming scheme of Wee with the use of RTP packets of Sengodan in order to encryption and authentication of RTP packets in IP communications as suggested by Sengodan (Sengodan, col. 1, lines 10-13).

Wee as modified further teaches:

- c. Each RTP packet including:
 - i. An RTP header (Sengodan, col. 7, lines 48-50 and fig. 3, ref. 314).
 - ii. One or more payloads of a common data stream consisting of one or more said encryption units (packet includes at least encrypted video data and an unencrypted header data) (Wee, col. 11, lines 1-5).
- d. One RTP payload format header for each said payload and including, for the corresponding encryption units, a boundary for the arbitrary block size (mini-header contains data for the mini-packets that make up the RTP packet and include information regarding length of the mini-packet as well as identification information) (Sengodan, col. 6, lines 23-39 and fig. 2a-b and 3).

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As to claims 2 and 19, Wee as modified teaches:

- a. Means for reassembling the plurality of encryption units using:
 - i. The payloads in the plurality RTP packets (assembling the decrypted payloads of the RTP packets into an uncompressed video stream) (Wee, col. 11, line 64-col. 12, line 3).
 - ii. The respective boundary for the arbitrary block size in the respective RTP payload format header (the data contained in the mini-header is used in the reassemble and to keep track of multiplexed mini-packets that belong to different users) (Sengodan, col. 6, lines 23-39 and fig. 2a-b and 3).
- b. Means for decrypting the plurality of encryption units to form the data stream (decrypting the progressively encrypted and scalably encoded video data) (Wee, col. 11, lines 48-56 and fig. 12, ref. 1202).

As to claims 3 and 20, Wee as modified teaches:

- a. Each said RTP payload format header further comprises one or more attributes of the corresponding payload (mini-header contains data on length indicator, channel identifier and sequence number of the mini-packet) (Sengodan, col. 6, lines 23-39 and fig. 2a-b and 3).
- b. Means for rendering the formed data stream using the attributes of the corresponding payload (streaming video is sent to clients' displays) (Wee, col. 1, lines 35-48).

As to claims 4 and 21, Wee as modified teaches said RTP format header consists of timing information (RTP provides time stamps for streaming of MPEG compressed video to ease error recovery) (Wee, col. 25-30).

As to claims 5 and 22, Wee as modified teaches means for transmitting the plurality of RTP packets over a network (transmitting secure and scalable data packets) (Wee, col. 20, lines 44-65 and fig. 25A-25D).

As to claim 23, Wee as modified teaches a computer readable medium comprising machine readable instructions that when executed, perform the method of claim 18 (computer-executable instructions) (Wee, col. 6, line 56-col. 7, line 6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William S. Powers whose telephone number is 751 272 8573. The examiner can normally be reached on m-f 7:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


9/12/2007

William S. Powers
Examiner
Art Unit 2134


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER